

EL SCASS Meeting June 14, 2021

Title III, Part A Program Updates

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Topics Covered

- Annual
- Using English

- Allocations, Accountability and Reporting
- Presumptive Identification

ELP Assessment

ESSER and GEER funds to support learners

- Resources

Allocations

Data used by ED to determine allocations for July 1, 2021 awards (as required by applicable statute):

Preliminary Totals released on February 10th 2021 and are unchanged.

- ***Title III-A:***
- English learner data from the Census Bureau
- Immigrant children and youth data from the Census Bureau
- State-reported data of the number of students assessed for English language proficiency (ELP)
- *(Note: for FY 2021 Title III-A allocations ED will use same State-reported school year 20182019 ELP counts used for FY 2020 allocations due to waivers of ELP assessments in school year 2019-2020)*

Accountability and Reporting

- On February 22, 2021, the Department announced the availability of waivers for some accountability requirements in the 2020-2021 school year.
- The Department is not waiving any of the reporting requirements associated with English learners and English language proficiency for the 2020-21 school year.
- See: <https://oese.ed.gov/files/2021/02/DCL-on-assessments-and-acct-final.pdf>

Presumptive Identification and ELP Assessment in School Year 2021-22

**Flexibilities for Standardized Statewide
Entrance & Exit Procedures in SY 2020-21**



- The Department provided flexibilities, such as the presumptive identification process, as part of its response to the COVID-19 national emergency.
- [Fact Sheet](#): *Providing Services to English Learners During the COVID-19 Outbreak*, May 18, 2020 (**EL Fact Sheet**)
 - [Addendum](#) for 2020-21 School Year, January 18, 2021 (**Addendum**)
- An SEA was required to **ensure statewide communication of, and maintain documentation of**, the temporary changes to its standardized statewide entrance/exit procedures due to COVID-19.
- For the **2021-2022 school year**, because it is anticipated that schools will be open for in-person learning, schools will be expected to follow their **pre-COVID entrance procedures** rather than a presumptive identification process.

Presumptive EL Identification

- During COVID-19 school closures, SEAs were given flexibility to identify an EL using temporary entrance procedures. SEAs were required to **treat a student identified as an EL through modified entrance procedures as an EL** for all purposes.
 - An LEA **must provide appropriate language instruction services** to such students and
 - **must include such students in their annual ELP assessment.**
- An SEA may use the results of the **annual ELP assessment** to affirm the fact that the student is not proficient and therefore an EL, or exit them as proficient based on the SEA's definition of proficiency (i.e., meeting the cut score for proficiency on the assessment).
- The SEA can also remove the EL designation if the student was found to be erroneously identified as an EL, as explained in question 4 in the 2019 addendum to EL guidance at:
<https://www2.ed.gov/policy/elsec/leg/essa/elandiitleiiiaddendum1219.pdf>).



Presumptive EL Identification

For a student who is not designated an EL after undergoing the full screening process, the decision as to whether to treat that student as a former EL, or "initially fluent," would be determined on a case by case basis.

- For example, a student who received EL services for many months during the COVID-19 crisis may have progressed to proficiency and it would be appropriate to treat them as a former EL, whereas for a student who may have been erroneously identified as an EL through the interim process, the LEA could remove the EL designation.

Annual ELP Assessment

- Each SEA was required to administer its ELP assessment **to all ELs** for the 20202021 school year.
 - SEAs were encouraged to extend the testing window for administering the ELP assessment to address challenges due to the pandemic. That could include



offering multiple testing windows and/or extending the testing window into the summer **and the beginning of the 2021-2022 school year.**

- All ELs, including those with disabilities, must be provided the statewide ELP assessment, with or without accommodations, or an appropriate alternate ELP assessment if necessary, consistent with their IEPs.

Annual ELP Assessment

- If the SEA extended or moved its 2020-21 ELP assessment to the fall, it should also consider how they can make results available in a timely manner after assessments are administered, and to communicate decisions regarding placement and services to families of ELs in a timely manner, in a language and format the families can understand, and in alternate formats as necessary.
- If a student was unable to take the ELP assessment prior to the 2021-22 school year, schools may administer the statewide ELP screener in all four domains to determine current ELP levels **for purposes of placement and services.**



- All SEAs must continue to meet the requirement that a student score proficient on the statewide ELP assessment in order to **exit from EL status**.
- SEAs will continue to have flexibility regarding the selection, administration, and timing of the statewide ELP assessment, subject to the requirements of assessment peer review.

Monitoring Former ELs

Under what circumstances is it generally admissible to re-screen an initially fluent student who seems to display persistent language barriers?

When a school district's monitoring of an **exited EL student** indicates that a **persistent language barrier** may be the cause of academic difficulty, **school districts should retest** the student with a valid and reliable, grade-appropriate ELP test to determine if there is a persistent language barrier and must offer additional language assistance services where needed to meet its civil rights obligations.



In no case should re-testing of an exited student's ELP be prohibited. If the results of the re-testing qualify the student as EL, the school district must reenter the student into EL status and offer EL services.

If the student is reentered into EL services, school districts should document the bases for the reentry and the parents' consent to such reentry (p. 34, [2015 Dear Colleague Letter](#)).

Using COVID-19 Stimulus Funding to Support English Learners

American Rescue Plan and ELs

SEAs and LEAs may use ARP ESSER funds in a variety of ways, including for additional screening and ELP assessment costs related to COVID-19.



There are three State-level reservations for activities and interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student subgroups, including English learners.

States must subgrant at least 90% of their total allocation to LEAs.

American Rescue Plan and ELs

Each district must reserve at least 20 percent of its funds to address lost instructional time through the implementation of evidence-based interventions and ensure that those interventions respond to students' social, emotional, and academic needs and **address the disproportionate impact of COVID-19 on student subgroups, including English learners.**

LEAs can use their remaining funds for activities related to the pandemic (i.e., any activity related to reopening or operating schools during the pandemic), including any activity



authorized under the ESEA. Because the ESEA includes Title III activities for ELs, **all LEAs can use their ARP ESSER funds for Title III- related services to ELs.**

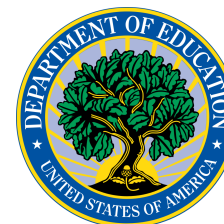
Note that there is no supplement-not-supplant requirement in the ARP, although there is a State “maintenance of effort” requirement for each of FYs 2022 and 2023 (based on percentages of the State’s overall spending used to support education), as well as

How may an LEA use ESSER and GEER funds to support English learners?

ESSER and GEER funds can be used to recover lost instructional time and services, support culturally responsive instruction, and support family engagement activities.

To address any lost instructional time, ESSER and GEER funds may be used for a variety of activities:

- Extended day and/or extended year activities designed to recover lost instructional time as a result of the pandemic, including costs associated with transportation services to support English Learners access to these services.



- Providing language accommodations to level the field for English Learners by increasing their access to content, and/or their participation in programs and services.
- Activities that respond to the social emotional learning needs of English Learners, including professional development for teachers to support English Learners.

How may an LEA use ESSER and GEER funds to support English learners?

LEAs may use ESSER and GEER funds to provide:

- Professional learning on implementation of language accommodations during instruction in a variety of modes, formative assessment strategies to monitor the progress of English learners, vertical articulation and collaboration practices to support the successful transition for ELs,

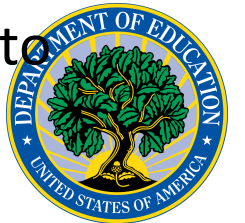


- Technology specifically focused on helping ELs access remote instruction or other tools that will help ELs better access the curriculum and provide enrichment; and
- Personal Protective Equipment (PPE) that helps facilitate language instruction (i.e. transparent face shields or masks).

How may an LEA use ESSER and GEER funds to support English learners?

To address and promote family engagement and dual capacity building for staff and families of English learners. LEAs may use ESSER and GEER funds to provide:

- Outreach to families of ELs families during COVID-19 that includes them as partners in education. For example; LEAs might consider providing support to help parents balance work/family, navigate the online platforms, track student progress, and seek help/resources when needed. Allowable expenses may include translation and interpretation services.



- Translation services to assist with communication around COVID-19 related to effective mitigation strategies, test screening, remote learning, and opportunities to address lost instructional time.

After stimulus funds are used, may an LEA use Title III funds to support the same expense?

The stimulus funds do not have supplement not supplant requirements. However, Title III funds may not be used to supplant such Federal, State, and local public funds.

- Evidence that the source of funding has been discontinued can rebut the presumption of supplanting. Thus, it would not be considered supplanting to use Title III funds for those activities **after the emergency funds were no longer available.**



- In cases where ESSER I or II or ARP ESSER funds were used for activities previously paid for with State, local, or other Federal funds (besides Title III, Part A), however, the Department would analyze the specific facts to determine whether supplanting had occurred.

Resources



Resources

- ➔ U.S. Department of Education Title III, Part A website (***New Web Address!***):
<https://oese.ed.gov/offices/office-of-formula-grants/school-support-andaccountability/english-language-acquisition-state-grants/>
- ➔ National Clearing House on English Language Acquisition (NCELA): <http://ncela-stg.it-msg.com/>
- ➔ State Support Network (SSN) Resources (***New Web Address!***):
<https://oese.ed.gov/resources/oese-technical-assistance-centers/state-supportnetwork/resources/>

The following two SSN resources are also accessible via the Title III, Part A [Resources](#) webpage:

- ✚ [Title III State Director Modules](#)



ARP and COVID-19 Resources

➔ ARP Fact sheet: https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf

➔ ARP ESSER Resources:

<https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/resources/>

➔ ARP-Homeless Children and Youth website:

<https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-secondary-school-emergency-relief-homeless-children-youth-arp-hcy/>

➔ Fact Sheet: *Providing Services to English Learners During the COVID-19 Outbreak* (May 18, 2020)

<https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf>



- Addendum to Fact Sheet: *Providing Services to English Learners During the COVID-19 Outbreak* (January 18, 2021):

<https://oese.ed.gov/files/2021/01/English-Learner-Fact-Sheet-Addendum-01-18-2021.pdf>

Contact Information

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Questions?

